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09/653,413	08/31/2000	Ruth Wilson	NC 80,172	5344

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EXAMINER

MANIWANG, JOSEPH R

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/653,413

Applicant(s)

WILSON ET AL.

Examiner

Joseph R. Maniwang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 24, 25, 27, 29, 31, 40-43 and 45-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24, 25, 27, 29, 45-59 and 65-73 is/are allowed.
- 6) ☒ Claim(s) 31, 40-43 and 60-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 40-43 and 61-64 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
3. Regarding claims 40-43, "Computer programs stored on a computer-readable media to access in real-time geospatial data over a object oriented spatial database network, comprising: an object-oriented database server code section...; a client code section...; and an interface code section..., said computer programs for receiving..., identifying..., querying..., receiving..., creating..., transmitting..., converting..., and displaying..." is non-statutory, since it is not tangibly embodied in a manner so as to be executable, as the only hardware is in an intended use statement. This is true even if the recited "receiving", "identifying", "querying", "receiving", "creating", "transmitting", "converting", and "displaying" includes hardware, since it is the intent of the execution of the system and not the system itself that includes such hardware.
4. Regarding claims 61-64, "Computer programs stored on a computer-readable media to access in real-time geospatial data over a object-oriented spatial database network, comprising: an object-oriented database server code section...; a client code section...; and an interface code section..., said computer programs for receiving..., identifying..., querying..., receiving..., creating..., transmitting..., converting..., and

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displaying..." is non-statutory, since it is not tangibly embodied in a manner so as to be executable, as the only hardware is in an intended use statement. This is true even if the recited "receiving", "identifying", "querying", "receiving", "creating", "transmitting", "converting", and "displaying" includes hardware, since it is the intent of the execution of the system and not the system itself that includes such hardware.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 31 and 60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 31 recites the limitation "receiving from at least one remote computer over the network data objects in the object oriented database associated with the area of interest". There is insufficient antecedent basis for the limitation "the object oriented database associated with the area of interest" in the claim.

8. Claim 60 recites the limitation "receiving from at least one remote computer over the network data objects in the object oriented database associated with the area of interest". There is insufficient antecedent basis for the limitation "the object oriented database associated with the area of interest" in the claim.

***Claim Objections***

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9. Claim 60 is objected to because of the following informalities: recitation of "converting two dimensional data objects to three dimensional data objects converting two dimensional data objects to three dimensional data objects" appears to be a typographical error. Appropriate correction is required.

***Allowable Subject Matter***

10. Claims 24, 25, 27, 29, 45-60, and 65-73 are allowed.

11. The following is an examiner's statement of reasons for allowance:

12. The provision for distributing in real-time geospatial data over a object oriented spatial database network, comprising receiving from a client computer over a network an area of interest from a displayed visual image of active data objects; identifying data available for the area of interest; in response to a request for data, querying over the network data objects in at least one database associated with the area of interest; receiving from at least one remote computer over the network data objects in the database associated with the area of interest and creating an object-oriented database of geospatial data using object models; transmitting a web-based applet to the client computer for viewing the data objects overlaid on a map display; and converting two-dimensional data objects to three-dimensional data objects using gridded, triangulated irregular network, and vector data and displaying the converted three-dimensional data objects is not fairly taught or suggested by the prior art of record. Support for this functionality can be found in the Specification, p. 19, line 31 through p. 20, line 13; p. 20, line 28 through p. 21, line 2; p. 25, line 22 through p. 26, line 12; Fig. 5, 6.

13. The provision for distributing in real-time geospatial data over a object oriented spatial database network, comprising receiving from a client computer over a network an area of interest from a displayed visual image of active data objects; identifying data available for the area of interest; in response to a request for data, querying over the network data objects in at least one database associated with the area of interest; receiving from at least one remote computer over the network data objects in the database associated with the area of interest and creating an object-oriented database of geospatial data using object models; transmitting a web-based applet to the client computer for viewing the data objects overlaid on a map display; and converting two-dimensional data objects to three-dimensional data objects and displaying the converted three-dimensional data objects, wherein a three-dimensional image is generated using digital terrain elevation data from an object-oriented database on a remote computer and two-dimensional feature data stored on a server and retrieved by the applet is not fairly taught or suggested by the prior art of record. Support for this functionality can be found in the Specification, p. 19, line 31 through p. 20, line 13; p. 20, line 28 through p. 21, line 2; p. 25, line 22 through p. 26, line 12; p. 26, lines 21-29; Fig. 5, 6, 19.

14. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

15. Applicant's arguments filed 05/04/05, with respect to the rejection(s) of claim(s) 23-27, 29, 31, 35, 38, -43, 45-51, 54, and 55 under 35 U.S.C. 102(e) and 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made under 35 U.S.C. 101 regarding non-statutory subject matter.

16. Examiner acknowledges Applicant's amendment to the claims in overcoming previous objections and rejections under 35 U.S.C. 112. The objections and rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made under 35 U.S.C. 112(2) regarding claim 31.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kambe et al. (U.S. Pat. App. Pub. 2001/0040984)

Yamaguchi et al. (U.S. Pat. No. 6,593,926)

Kawamura et al. (U.S. Pat. No. 5,467,444)

Rappaport et al. (U.S. Pat. No. 6,850,946)

Ritter (U.S. Pat. No. 6,628,278)

Sakamoto et al. (U.S. Pat. No. 6,411,293)

Ong (U.S. Pat. No. 6,285,317)

Ritter (EP 1054354 A1)

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM

MARC D. THOMPSON  
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PRIMARY EXAMINER